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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/619,553	07/19/2000	Henry Ptasinski	39630/RJP/E264	2058	
23363 7	7590 04/07/2005		EXAM	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			PARTON,	PARTON, KEVIN S	
PO BOX 7068 PASADENA, CA 91109-7068			ART UNIT	PAPER NUMBER	
		,	2153		
			DATE MAIL ED 04/07/200	_	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		09/619,553	PTASINSKI ET AL.				
		Examiner	Art Unit				
		Kevin Parton	2153				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠	1) Responsive to communication(s) filed on 11 January 2005.						
2a) <u></u> ☐	This action is FINAL . 2b)⊠ This action is non-final.						
3)□	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4) ⊠	4)⊠ Claim(s) <u>1-22 and 43-64</u> is/are pending in the application.						
-	4a) Of the above claim(s) is/are withdrawn from consideration.						
	5) Claim(s) is/are allowed.						
6)⊠	6)⊠ Claim(s) <u>1-22 and 43-64</u> is/are rejected. 7)□ Claim(s) is/are objected to.						
7)							
8)	8) Claim(s) are subject to restriction and/or election requirement.						
Applicati	on Papers						
9)[The specification is objected to by the Examine	r.					
10)⊠ The drawing(s) filed on <u>27 September 2004</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (ınder 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachmon	tte\						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	nte				
	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date	6) Other:	atent Application (PTO-152)				

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DETAILED ACTION

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1-22 and 43-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Please note that the claims being considered are those filed 09/20/2004 as part of an unentered After Final amendment which was subsequently entered with the filing of an RCE on 01/11/2005.
- 3. Regarding claims 1, 12, 43, and 54, the second clause of the claim (following the preamble) provides for counting periodic time intervals since transmission of a link integrity indication frame. It is unclear in the claim where in the system this counting takes place, whether at each individual node, only one node, or at a central management station of some type. Although the preamble does state that the method applies to "each node" this does not clearly point out where the accounting is taking place.
- 4. Claims 2-11, 13-22, 44-53, and 56-64 are rejected because they are dependent on the rejected independent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton Examiner Art Unit 2153

ksp

GLENYON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100